

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

KENNETH DAVIS,

Plaintiff,

VS.

MICHAEL J ASTRUE,

Defendant.

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CIVIL ACTION NO. C-08-127

**ORDER ADOPTING MEMORANDUM AND  
RECOMMENDATION ON  
CROSS-MOTIONS FOR SUMMARY JUDGMENT**

On September 24, 2008, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that defendant's motion for summary judgment (D.E. 9) be denied, that plaintiff's cross-motion for summary judgment (D.E. 10) be granted, and that the case be remanded for further proceedings consistent with the memorandum and recommendation. Seeing no objection to this recommendation by either party and having now reviewed the recommendation, this Court hereby adopts as its own the Memorandum and Recommendation as the decision of the Court. Accordingly, it is

ORDERED that defendant's motion for summary judgment is denied, plaintiff's cross-motion for summary judgment is granted, and this case is remanded for further proceedings consistent with the memorandum and recommendation.

SIGNED and ORDERED this 14th day of October, 2008.

  
Janis Graham Jack  
United States District Judge